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09/712,682

REMARKS

This amendment is in response to the Examiner's Office Action dated 8/25/2004. Reconsideration of this application is respectfully requested in view of the foregoing amendment and the remarks that follow.

STATUS OF CLAIMS

Claims 1-10 are pending.

Claims 1, 5, 6, and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Beaton (USP 6,608,637) in view of Shachar (USP 5,923,736).

Claims 2-4 and 7-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Beaton in view of Shachar and further in view of Schnarel (USP 6,389,124).

In response, claims 1, 5, 6 and 10 have been amended. In particular, the claims now recite that the data that is displayed and stored is received via the wireless line. Support for this amendment is located, for example, in the paragraph that spans page 7 and 8 of the original specification. The claims also recite that the operation of the hyperlink occurs while there is no voice communication being executed. Support for this amendment is located, for example, at page 9, lines 1-11 of the original specification.

OVERVIEW OF CLAIMED INVENTION

The presently claimed invention relates to a mobile radio terminal and a method for displaying data in the mobile radio terminal in which the data displayed prior to a call-out process is displayed after the start of the call-out process using a phone-to function with respect to the destination terminal identified by the telephone number information attached to data obtained via the radio telephone. By this mobile radio terminal, the user can enjoy talking with a

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person at the destination terminal while looking through data displayed on the data display section.

REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 1, 5, 6, and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Beaton (USP 6,608,637) in view of Shachar (USP 5,923,736). The Examiner asserts that Beaton discloses the invention substantially as recited in claims 1, 5, 6 and 10 but admits that Beaton does not teach displaying a telephone number as a hyperlink, which is used to execute the calling of that number. However, the Examiner contends that Shachar teaches a telephone device that displays telephone numbers as hyperlinks and concludes that it would have been obvious to one of ordinary skill to combine the teachings of these two references.

As amended, claims 1, 5, 6 and 10 recite that the operation of the hyperlink occurs while the data is being displayed but while no voice communication is being executed. Beaton teaches the creation and editing of short messages while maintaining a voice call. Shachar discloses the calling of a hyperlinked telephone number. Applicant urges that one of ordinary skill would not have been realistically motivated to combine the two references. In particular, the combination proposed by the Examiner would result in a device that, during an ongoing telephone conversation, would display a hyperlink for a telephone number for the user to call. This functionality is unnecessary because the user of the device has already established the call. As a result, the combination proposed by the Examiner would add a feature that a user would not benefit from or ever use. Accordingly, one of ordinary skill would not be motivated to make such a combination.

Without the requisite showing of why one of ordinary skill would realistically be motivated to combine Beaton and Shachar, a prima facie case of obviousness has not been

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properly established. Thus, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 USC 103 of claims 1, 5, 6 and 10.

Even if combined, Applicant urges that the combination of Beaton and Shachar do not disclose or suggest every limitation recited in claims 1, 5, 6 and 10, as amended. In particular, the claims recite that the data having the hyperlink that is stored and displayed is received via the wireless line. Beaton does not disclose displaying of a message received via a wireless line and neither does the device of Shachar. Accordingly, these two reference, either individually or in combination, do not disclose every feature recited in claims 1, 5, 6 and 10.

Thus, the combination of these two references does not provide the factual support to establish a prima facie case of obviousness. Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 USC 103 of claims 1, 5, 6 and 10.

Claims 2-4 and 7-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Beaton in view of Shachar and further in view of Schnarel (USP 6,389,124). The Examiner asserts that Schnarel teaches a graphical interface that discloses the features recited in the dependent claims 2-4 and 7-9. These claims depend from claims 1 and 6 respectfully and therefore incorporate all the limitations recited in the base claims. Because Schnarel does not disclose the limitations identified above that are missing from Beaton and Shachar, the combination of these three references fails to support a prima facie case of obviousness for at least the same reasons provided above. Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 USC 103 of claims 2-4 and 7-9.

SUMMARY

As has been detailed above, none of the references, cited or applied, provide for the specific claimed details of applicant's presently claimed invention, nor renders them obvious. It

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As has been detailed above, none of the references, cited or applied, provide for the specific claimed details of applicant's presently claimed invention, nor renders them obvious. It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested.

This amendment is being filed with a Petition for Extension of Time. The Commissioner is hereby authorized to charge the petition fee, as well as any deficiencies in the fees provided to Deposit Account No. 50-1290.

If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact applicant's representative at the below number.

Respectfully submitted,



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